

NTSB Order No. EA-4158

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 20th day of April, 1994

Respondent .

the filing of a timely appeal brief. 49 C.F.R. 821. We will grant the motion, to which respondent filed no answer.

The record establishes that respondent filed a timely notice of appeal from the written decision served by the law judge on December 22, 1993.² Respondent did not, however, file an appeal brief within 30 days after that date.³ Inasmuch as respondent's untimeliness in filing an appeal brief does not appear to be excusable for good cause shown, his appeal will not be entertained. See Administrator v. Hooper, NTSB Order EA-2781 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. The respondent's appeal is dismissed.

VOGT, Chairman, LAUBER, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above order.

²The law judge affirmed an order of the Administrator alleging that respondent had violated sections 91.13(a), 91.111(a) and 91.209(a) of the Federal Aviation Regulations, but modified the order to provide for a 90-day rather than a 180-day suspension of any and all airman certificates held by respondent, including Commercial Pilot Certificate Number 307625458.

³In order for respondent's brief to have been timely filed, it should have been filed on or before January 21, 1994. Respondent's brief was undated and did not contain a certificate of service. However, it was postmarked February 7, 1994.